



Cory A. Booker
Mayor



Julien X. Neals
Corporation Counsel
Department of Law

November 30, 2009

*See next page
order*

(By Electronic Filing)

Honorable Katharine S. Hayden, U.S.D.J.
Frank R. Lautenberg
U.S. P.O. & Courthouse, Room 311
P.O. Box 999
Newark, New Jersey 07101-0999

RE: Anthony Kerr v. City of Newark, et al
Civil Action No. 08-3660 (KSH-PS)

Dear Judge Hayden:

This office represents the City of Newark in the referenced matter.

The City has received Your Honor's November 24, 2009 Order directing that the City place the proposed settlement before the Municipal Council on December 2, 2009 and that payment be made to plaintiff by December 9, 2009. The City seeks to modify the term of the Order as to the December 2, 2009 meeting. Unfortunately, due to issues with unforeseen credits for payments received by plaintiff, the proper back pay calculations were not determined. Accordingly, this item was not timely noticed/published for the December 2, 2009 Council Meeting. However, the City will ensure that it is properly published/noticed for and placed on the Special Municipal Council's meeting of December 8, 2009.

Placing the proposed settlement before the Municipal Council on December 8, 2009 (rather than December 2, 2009) will not adversely effect the Plaintiff as the City will have the payment available to the Plaintiff by the date originally contemplated, of December 9, 2009.

Honorable Katharine S. Hayden, U.S.D.J.
Frank R. Lautenberg
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Page -2-

It is respectfully requested that the Court permit the City the relief requested.

Respectfully submitted,

/s/ JULIEN X. NEALS

Julien X. Neals
Corporation Counsel

JXN:agm

c: Wendi Elovich, Esq. (by e-file)
Eric S. Pennington, Esq., (by e-file)
Basem Ramadan, Esq., (by e-file)
John Zidziunis, Esq., (by e-file)
Kelly Waters, Esq., (by e-file)
Robert Gunning, Esq., (by e-file)

The Court accepts the representations
that the proposed settlement will be
placed before the Municipal Council on
12/8/09. Payment deadline remains 12/9/09.
K.S. Hayden
12/1/09